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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,676	10/23/2003	Susumu Yamaguchi	5341-18	6601
27799	7590	06/15/2004	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/691,676

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Mohammed Hasan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 - 11 is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/22/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed of record in the file.

***Oath/Declaration***

2. Oath and declaration filed on 10/23/2003 is accepted.

***Information Disclosure Statement***

3. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 3/22/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohno (5,739,965).

Regarding claim 1, Ohno discloses (refer to figure 1) an image pick up lens comprising in the order from an object side:

(a) an aperture stop (I);

(b) a meniscus –shaped first lens (L1) having a positive refractive power whose convex surface face an object; and

(c) a second lens (L2) having a positive refractive power whose convex surface face the object, wherein each of the first lens and the second lens has at least one aspheric surface and satisfies the following condition expression ;  $f1/|f2| < 1.0$  wherein , f1 is a focal length of the first lens , f2 is a focal length of the second lens and f is a focal length of an entire system of the image pickup lens ( column 4, lines 50 – 67, column 5, lines 1 – 5) .

Regarding claim 2, Ohno discloses (refer to figure 4) wherein the following conditional expressions are satisfied;  $.80 < f1 / f < 1.80$ ,  $- 1.90 < R2/ ((1 - N1).f) < -.60$ , wherein R2 represents a radius of curvature of the image – side surface of the first lens (L1) , and N1 represents the refractive index of the first lens for d line (column 7, lines 62 – 67, column 8, lines 1 – 34) .

Regarding claim 3, Ohno discloses, wherein the second lens (L2) has positive refractive power (column 4, line 55).

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Regarding claim 5, Ohno discloses, wherein the first lens (L1) and the second lens (L2) are made of plastic material (column 3, lines 27 – 28).

***Allowable Subject Matter***

5. Claims 6 – 11 are allowed.

6. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 6, for example which include an image pickup lens comprising in the order named from an object side an aperture stop, a meniscus positive lens, a second lens having positive or negative refractive power and the following condition is satisfied  $.40 < D_{24} / f < 1.00$ , wherein  $D_{24}$  represents a distance from an image side surface of the first lens to that of the second lens and  $f$  represents a focal length of an entire image pickup lens system, and an image side surface of the second lens has thereon an aspheric surface satisfying the following conditional expression at optional height  $h$  in the direction to an optical axis satisfying  $h_{\max} \times .7 < h < h_{\max}$  where  $h_{\max}$  represent the maximum effective radius ;

$X - X_0 < 0$ , wherein  $X$  and  $X_0$  are values calculated by the following expression under the condition that a vertex of the surface represents the origin , and an  $X$  axis is taken in

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the optical axis direction , and  $X$  represents an amount of displacement of the aspheric surface.

7. Claims 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show, the second lens has an aspheric surface satisfying the following conditional expression at optional height  $h$  in a direction perpendicular to an optical axis satisfying  $h_{\max} \times .7 < h < h_{\max}$  where  $h_{\max}$  represent the maximum effective radius ;  $X - X_0 < 0$  , wherein  $X$  and  $X_0$  are values calculated by the following expression under the condition that a vertex of the surface represents the origin , and an  $X$  axis is taken in the optical axis direction , and  $X$  represents an amount of displacement of the aspheric surface.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Fukasawa (5,329,403) discloses an image reading lens having from the object side, a stop, a meniscus-shaped positive first lens having it convex surface at the image plane side, and a negative second lens having its concave surface at the image plane side.

Ninomiya et al (US 2004/0036983 A1) discloses an image pick-up lens.

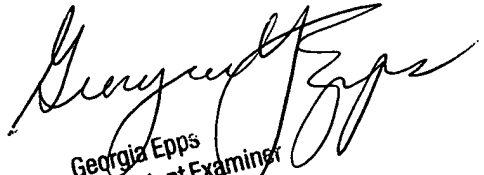
**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
June 9, 2004

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800